

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KRISTEN M. WALKER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 16-13902

Honorable Nancy G. Edmunds

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**ORDER AND OPINION ACCEPTING THE MAGISTRATE JUDGE'S JANUARY 16,
2018 REPORT AND RECOMMENDATION [19]**

Currently before the Court is the magistrate judge's January 16, 2018 report and recommendation. The Court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. “[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter.” *Hall v. Rawal*, 09-10933, 2012 WL 3639070, at *1 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140 (1985)). The Court nevertheless agrees with the magistrate judge's recommendation. The Court therefore ACCEPTS and ADOPTS the magistrate judge's report and recommendation (Dkt. # 19).

It is further ordered that Plaintiff's motion for summary judgment (Dkt. # 15) is GRANTED IN PART; Defendant's motion for summary judgment (Dkt. # 17) is DENIED; the findings of the Commissioner are REVERSED; and this matter is REMANDED to the administrative law judge pursuant to sentence four of 42 U.S.C. § 405(g) for proper

consideration of Plaintiff's degenerative disc disease and for proper consideration of Dr. Hart's opinion in accordance with the treating physician rule.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: February 8, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 8, 2018, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager